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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/697,492      | 10/31/2003  | Jon Sinclair Olsen   | A-8793              | 7703             |

7590 08/22/2005

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Arlington, VA 22202

EXAMINER

CHIU, RALEIGH W

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3711

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,492

Applicant(s)

OLSEN, JON SINCLAIR

Examiner

Raleigh Chiu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 15, 16, 18-21, 23, 24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) 14, 22 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/15/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. The indicated allowability of claims 9, 13, 15, 17 and 21 is withdrawn in view of the newly discovered reference(s) to Serman. Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 USC §§ 102 and 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 10, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 3,839,820 (Serman, Jr., hereinafter Serman).

Regarding claims 1, 10, 16 and 18, Figure 5 of Serman shows multiple base structures 16,22 with planar surfaces; trampoline 22 is non-horizontal. Figures 10,10A are considered to be non-uniformly shaped and inherently capable of being stacked on the playing surfaces.

Regarding claim 2, base 50 corresponds to the recited game board.

4. Claims 3-8, 11-13, 15, 19-21, 23, 24, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serman as applied above.

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Regarding claim 3, it would have been obvious to one of ordinary skill in the art to removably secure the base structures to more easily store the game when not in use.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide inserts with the Serman base structures to better fasten the structures to the game board.

Regarding claims 5 and 6, it is old and well-known in the art to provide legs to table-top games for use as a stand-alone game.

Regarding claims 7 and 8, it is old and well-known in the art to provide storage compartments with game tables to store game pieces when not in use.

Regarding claims 11, 13, 15, 19, 21, 23, 26, 27 and 30, it would have been obvious to make the Serman human figures different sizes since human beings are of different sizes.

Regarding claims 12, 20, 24 and 28, it would have been obvious to one of ordinary skill in the art to make the Serman figures of different colors to better differentiate the figures.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 10-16, 18-30 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

6. Claims 14, 22 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (571) 272-4415.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

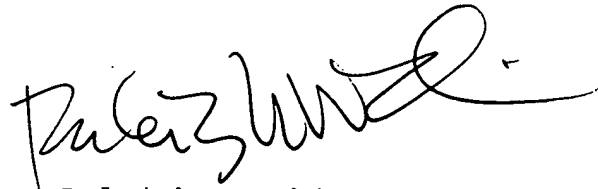
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Raleigh W. Chiu', with a stylized flourish at the end.

Raleigh W. Chiu  
Primary Examiner  
Technology Center 3700

RWC:dei:feif  
18 August 2005